

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHON WAYNE EARTH, JR.,

Defendant.

8:12CR382

ORDER

This matter is before the court on the defendant's request for copies of his criminal docket sheet (Filing No. 72). The defendant requests the copies be provided without cost to him because he is indigent. Previously, the court informed the defendant the cost of his docket sheet would be \$5.50. **See** Filing No. 71.

The defendant pleaded guilty to possession of a firearm by a prohibited person and was sentenced, after which a judgment was entered on June 5, 2013. **See** Filing No. 26. Another judgment was entered on July 30, 2015, when the defendant admitted guilt to violations of his term of supervision. **See** Filing No. 70. Other than this motion for copies, the defendant has no motions or cases pending before this court, and the defendant makes no showing as to why he needs these documents. Although the defendant states he wants the docket sheet to assist him "to prepare and proceed with [his] direct appeal," no timely notice of appeal was filed. Accordingly, the court is not inclined to order copies of documents made at government expense without a pending appeal or some showing of need for the documents. **See** 28 U.S.C. § 753(f); **see also** *Chapman v. United States*, 55 F.3d 390, 390-91 (8th Cir. 1995) (stating any request for a free transcript prior to the filing of a 28 U.S.C. § 2255 motion is premature). The defendant may, of course, pay the costs of preparing the copies of the filing.

IT IS ORDERED:

The defendant's request for copies (Filing No. 72) is denied.

Dated this 7th day of December, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge